

February 25, 2005

CERTIFIED MAIL

Leland Hyatt  
Hyatt Vineyards Winery  
611 N. Bonair Road  
Zillah, WA 98953

Dear Mr. Hyatt:

**RE: Notice of Temporary State Waste Discharge Permit No. ST-9254  
for Hyatt Vineyards Winery, Effective February 19, 2005**

Your application for State Waste Discharge Permit No. ST-9254 for Hyatt Vineyards Winery, was received by this office on September 28, 2004. It was reviewed and accepted as complete on January 4, 2005, after submission of the wastewater monitoring data.

A Public Notice of Application was published on January 11, and January 18, 2005, in the Yakima Herald Republic and the public comment period ended February 18, 2005, with no comments being received.

Given our limited resources, we are unable to process your application at this time. **RCW 90.48.200 states, "In the event of failure of the Department to act upon an application within sixty days after it has been filed, the applicant shall be deemed to have a temporary permit. Said permit shall authorize the applicant to discharge waste into waters of the State as requested in its application only until such time as the Department shall have taken action upon said application."**

Therefore, as RCW 90.48.200 and WAC 173-216-090 provide, your new Temporary Permit became effective February 19, 2005, the day following completion of the public notice comment period. It will remain in force for up to five years or until further notice by the Department, whichever occurs first. The Department will undertake writing a full permit as time allows. At that time we will contact you to discuss any changes in operation and to do a site visit.

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**Your temporary permit consists of the permit application and all appendices submitted with it.** Compliance with the application and the appendices will constitute compliance with the temporary permit.

This authorization does not allow you to discharge pollutants not specified in your application and attachments or in quantities exceeding those specified in your application or appendices, or in quantities exceeding those specified. You are also required to comply with all water pollution laws and regulations. A new application is required in five years.

Under the Model Toxics Control Act, codified as RCW 90.48.465, Ecology is required to recover the cost of the Water Quality Permit Program. Ecology has adopted a regulation (Chapter 173-224 WAC) establishing annual permit fees for all municipal/domestic and industrial wastewater discharge permit holders. Your Temporary Permit is subject to this fee.

Your permit fee is subject to the fee schedule in Chapter 173-224 WAC, Fee category: Wineries; Subcategory: c. 1,000 - <2,500 gpd. The year 2005 fee is \$2,246.00. Permit fee billing will be in a separate mailing from the Ecology Fee Unit.

If you have any questions or need assistance, please feel free to contact Michelle Mandis, your permit manager at 509/457-7108.

Sincerely,

G. Thomas Tebb, L.E.G.  
Section Manager  
Water Quality Program

GTT:

c: Bev Poston, Ecology-Olympia  
Joe Ortiz, Ecology-Yakima  
Cindy Huwe, Ecology-Yakima  
Michelle Mandis, Ecology-Yakima  
Phelps Freeborn, Ecology-Yakima